

ATTORNEY DOCKET NO  
003498.P033

PATENT  
U.S. 09/405,821

### Remarks/ Arguments

In response to the Office Action mailed May 20, 2004, Applicant notes with appreciation the allowance of Claims 19, 21, 22, 24, and 26 – 29. Applicant respectfully requests allowance of the remaining claims in view of the amendments thereto and the remarks set forth below.

Claims 6, 8, 9, 13, 15 – 19, 21, 22, and 26 - 29 remain.

Claim 6 is being amended.

Claims 13 and 15 are being cancelled

Claims 6, 8, 9, 13 and 15 – 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Janex*. (U.S. Patent 5,44,075) (hereinafter "the *Janex* reference"). Applicant respectfully traverses these rejections, in view of the amendments set forth above and the following remarks.

Anticipation rejections under 35 U.S.C. § 102(e) require identity of invention. In other words, each and every feature of each and every claim rejected as anticipated must be found in a single prior art reference. Applicant respectfully submits that the *Janex* reference does not teach the feature of sharing an unassigned time slot or idle time between the devices in a network for transmissions during a listening period upon completion of regularly scheduled transmissions.

Instead, the *Janex* reference discloses an anti – collision system, for aircraft or other moving nodes within a given geographic area. Specifically, a given moving node searches for an unused time slot in a time – division communications system. When multiple unused time slots are detected, the moving node selects and occupies one unused slot at random. The selected time slot is then divided into transmission and reception sub – slots. If the reception sub – slots are clear (i.e. no other node is transmitting at that time), then the given moving node transmits during the associated

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transmission sub – slot. On the other hand, if a transmission from another node is detected during the reception sub – slots, then the given node jumps to a new unoccupied time slot, and the procedure repeats.

In sum, the *Janex* reference discloses a system for identifying clear time periods during which a moving node can transmit relative to other nodes operating within same geographical area in a time – division system. The *Janex* system therefore does not disclose systems or methods in which either unused time slots in a slotted frame system are shared by network devices, after all regularly scheduled transmissions during a listening period are made within the frame.

Given the substantial differences between remaining Claims 6, 8, 9, and 16 – 18, and the teachings of the *Janex* reference, Applicant respectfully submit that the rejections of Claims 6, 8, 9, and 16 – 18 should be withdrawn.

No new matter has been added; the claims have been merely amended to more particularly claim the subject matter Applicant believes is inventive. Applicant respectfully submits that the Claims as they now stand are patentably distinct over the art cited during the prosecution thereof.

Applicant respectfully requests a First Month Extension of Time to File this Response. Enclosed with this paper is Form PTO/SB/22 with Extension Fees in the amount of \$110.00 as reflected on the PTO/SB/17 Fee Transmittal.

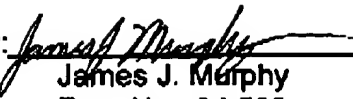
With the addition of no new claims, no additional filing fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account Number 20-0821 of Thompson & Knight LLP.

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at (214) 969 - 1749.

Respectfully submitted,  
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Date: September 8, 2004

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